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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

11 IN RE INTUITIVE SURGICAL) Lead Case No. 5-14-CV-00515-EJD
12 SHAREHOLDER DERIVATIVE)
13 LITIGATION) JOINT STATUS REPORT
14 _____)
15 This Document Relates To:)
16)
17 ALL ACTIONS.)

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1 Pursuant to the Court's Order dated June 2, 2016 (the "Order"), Plaintiff Robert Berg
 2 ("Plaintiff"), and the Individual Defendants¹ (collectively the "Parties") submit this Joint Status
 3 Report to apprise the Court of the status of *Public School Teachers' Pension and Retirement Fund*
 4 *of Chicago v. Guthart, et al.*, No. CIV-526930 (Cal. Super. Ct. 2014) (the "State Action"). The
 5 last report provided to the Court was filed on January 12, 2017 (the "Last Report"). *See* ECF No.
 6 110.

7 As noted in the Last Report, Plaintiff intervened in the State Action on May 23, 2016. In
 8 light of Plaintiff's intervention, the Parties jointly requested a stay of this Action on May 31, 2016.
 9 *See* ECF No. 106. The Court stayed this Action on June 2, 2016, while requesting periodic updates.
 10 ECF No. 108.

11 In the Last Report, the Parties advised the Court that, on September 15, 2016, the Parties
 12 (including the plaintiff in the State Action) entered into a memorandum of understanding ("MOU")
 13 to settle all related shareholder derivative actions, including this Action. A conference was held
 14 on March 30, 2017 in the State Action (the "Conference") to update the state court on the status of
 15 documenting a final settlement agreement. During the Conference, the Parties informed the state
 16 court that a near complete settlement agreement had been documented, and that the remaining
 17 unresolved issue was the award of attorneys' fees and expenses which will be submitted to a three-
 18 member panel for binding arbitration. At present, the three-member arbitration panel has been
 19 selected and the Parties expect that the arbitration proceeding will occur in early-May.

20 Subject to any additional instruction from this Court, the Parties will continue to provide
 21 updates as contemplated by the Order.

22 DATED: April 12, 2017

23 THE WEISER LAW FIRM, P.C.
 24 BRETT D. STECKER

25 _____
 26 /s/ Brett D. Stecker
 27 BRETT D. STECKER
 28 (admitted pro hac vice)

27 ¹ Nominal Party Intuitive Surgical, Inc. has retained separate counsel to represent it in this
 28 Action, the State Action, and the other related shareholder derivative actions.

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23 | DATED: April 12, 2017

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1 **ATTESTATION**

2 I, Brett D. Stecker, am the ECF user whose ID and password are being used to file this
3 Joint Case Management Conference Statement. In compliance with General Order 45, X.B., I
4 hereby attest that Michael D. Celio has concurred in this filing.

5

6 */s/ Brett D. Stecker*

7 BRETT D. STECKER

8 Lead Counsel for Plaintiffs and Counsel for
9 Plaintiff Robert Berg

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2017, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 12, 2017.

/s/ Brett D. Stecker
BRETT D. STECKER

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Mailing Information for a Case 5:14-cv-00515-EJD In re Intuitive Surgical Shareholder Derivative Litigation

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)